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**SUBSTITUTE SENATE BILL 6035**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Poulsen and Rockefeller)

READ FIRST TIME 02/28/07.

1       AN ACT Relating to beach management districts; amending RCW  
2 36.61.010, 36.61.020, 36.61.025, 36.61.030, 36.61.040, 36.61.050,  
3 36.61.060, 36.61.070, 36.61.080, 36.61.090, 36.61.100, 36.61.110,  
4 36.61.115, 36.61.120, 36.61.140, 36.61.160, 36.61.170, 36.61.190,  
5 36.61.200, 36.61.220, 36.61.230, 36.61.260, 36.61.270, 36.94.020,  
6 39.34.190, and 86.09.151; adding a new section to chapter 36.61 RCW;  
7 creating a new section; and making appropriations.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9       **Sec. 1.** RCW 36.61.010 and 1987 c 432 s 1 are each amended to read  
10 as follows:

11       The legislature finds that the environmental, recreational, and  
12 aesthetic values of many of the state's lakes and beaches are  
13 threatened by eutrophication and other deterioration and that existing  
14 governmental authorities are unable to adequately improve and maintain  
15 the quality of the state's lakes and beaches.

16       The legislature intends that an ecosystem-based beach management  
17 approach should be used to promote the health of aquatic ecosystems and  
18 undertaken in a manner that retains ecosystem values within the state.  
19 This management approach should use strategies that focus on reducing

1 nutrient inputs from human activities affecting the aquatic ecosystem,  
2 such as decreasing nutrients into storm water sewers, decreasing  
3 fertilizer application, promoting the proper disposal of pet waste,  
4 promoting the use of vegetative borders, and stabilizing riparian  
5 areas. Organic debris, including vegetation, driftwood, seaweed, kelp,  
6 and organisms, are extremely important to beach ecosystems. Beach  
7 management activities focusing on the control or removal of aquatic  
8 plants or vegetation should be based on a determination that the  
9 excessive accumulation of organic debris is causing an environmental or  
10 human health problem, while addressing the concerns and purposes for  
11 the creation of the beach management district.

12 It is the purpose of this chapter to establish a governmental  
13 mechanism by which property owners can embark on a program of lake or  
14 beach improvement and maintenance for their and the general public's  
15 benefit, health, and welfare. Public property, including state  
16 property, shall be considered the same as private property in this  
17 chapter, except liens for special assessments and liens for rates and  
18 charges shall not extend to public property. Lake bottom property  
19 shall not be considered to be benefited, shall not be subject to  
20 special assessments or rates and charges, and shall not receive voting  
21 rights under this chapter.

22 NEW SECTION. Sec. 2. A new section is added to chapter 36.61 RCW  
23 to read as follows:

24 (1) Beach management districts addressing the control and removal  
25 of aquatic plants or vegetation must develop a plan for this activity,  
26 and such a plan must be approved by all appropriate federal, state, and  
27 local agencies.

28 (2) Plans for the control and removal of aquatic plants or  
29 vegetation must, to the greatest extent possible, meet the following  
30 requirements: (a) Avoid the excess removal of native vegetation and  
31 organisms, whether alive or dead; (b) avoid management activities that  
32 will result in the compaction of beach sand, gravel, and substrate; (c)  
33 disposal of beach material should be done in a manner that would not  
34 recontaminate other areas in the beach environment; and (d) all natural  
35 habitat features on the beach larger than twelve inches in diameter  
36 including trees, stumps, logs, and large rocks must be retained on the  
37 beach.

1 (3) For the purposes of seaweed removal from beaches, the term  
2 "beach" means the shore of a saltwater body that lies between the  
3 extreme low tide and the ordinary high water mark as those terms are  
4 defined in RCW 90.58.030.

5 **Sec. 3.** RCW 36.61.020 and 2000 c 184 s 5 are each amended to read  
6 as follows:

7 Any county may create lake or beach management districts to finance  
8 the improvement and maintenance of lakes or beaches located within or  
9 partially within the boundaries of the county. All or a portion of a  
10 lake or beach and the adjacent land areas may be included within one or  
11 more lake or beach management districts. More than one lake or beach,  
12 or portions of lakes or beaches, and the adjacent land areas may be  
13 included in a single lake or beach management district.

14 Special assessments or rates and charges may be imposed on the  
15 property included within a lake or beach management district to finance  
16 lake or beach improvement and maintenance activities, including: (1)  
17 ~~((The control or removal of))~~ Controlling or removing aquatic plants  
18 and vegetation; (2) improving water quality; (3) ~~((the control of))~~  
19 controlling water levels; (4) treating and diverting storm water  
20 ~~((diversion and treatment))~~; (5) controlling agricultural waste  
21 ~~((control))~~; (6) studying lake or marine water quality problems and  
22 solutions; (7) cleaning and maintaining ditches and streams entering  
23 the lake or marine waters or leaving the lake; ~~((and))~~ (8) monitoring  
24 air quality; and (9) the related administrative, engineering, legal,  
25 and operational costs, including the costs of creating the lake or  
26 beach management district.

27 Special assessments or rates and charges may be imposed annually on  
28 all the land in a lake or beach management district for the duration of  
29 the lake or beach management district without a related issuance of  
30 lake or beach management district bonds or revenue bonds. Special  
31 assessments also may be imposed in the manner of special assessments in  
32 a local improvement district with each landowner being given the choice  
33 of paying the entire special assessment in one payment, or to paying  
34 installments, with lake or beach management district bonds being issued  
35 to obtain moneys not derived by the initial full payment of the special  
36 assessments, and the installments covering all of the costs related to

1 issuing, selling, and redeeming the lake or beach management district  
2 bonds.

3 **Sec. 4.** RCW 36.61.025 and 2000 c 184 s 4 are each amended to read  
4 as follows:

5 To improve the ability of counties to finance long-term lake or  
6 beach management objectives, lake or beach management districts may be  
7 created for any needed period of time.

8 **Sec. 5.** RCW 36.61.030 and 1987 c 432 s 3 are each amended to read  
9 as follows:

10 A lake or beach management district may be initiated upon either  
11 the adoption of a resolution of intention by a county legislative  
12 authority or the filing of a petition signed by ten landowners or the  
13 owners of at least fifteen percent of the acreage contained within the  
14 proposed lake or beach management district, whichever is greater. A  
15 petition or resolution of intention shall set forth: (1) The nature of  
16 the lake or beach improvement or maintenance activities proposed to be  
17 financed; (2) the amount of money proposed to be raised by special  
18 assessments or rates and charges; (3) if special assessments are to be  
19 imposed, whether the special assessments will be imposed annually for  
20 the duration of the lake or beach management district, or the full  
21 special assessments will be imposed at one time, with the possibility  
22 of installments being made to finance the issuance of lake or beach  
23 management district bonds, or both methods; (4) if rates and charges  
24 are to be imposed, the annual amount of revenue proposed to be  
25 collected and whether revenue bonds payable from the rates and charges  
26 are proposed to be issued; (5) the number of years proposed for the  
27 duration of the lake or beach management district; and (6) the proposed  
28 boundaries of the lake or beach management district.

29 The county legislative authority may require the posting of a bond  
30 of up to five thousand dollars before the county considers the proposed  
31 creation of a lake or beach management district initiated by petition.  
32 The bond may only be used by the county to finance its costs in  
33 studying, holding hearings, making notices, preparing special  
34 assessment rolls or rolls showing the rates and charges on each parcel,  
35 and conducting elections related to the lake or beach management

1 district if the proposed lake or beach management district is not  
2 created.

3 A resolution of intention shall also designate the number of the  
4 proposed lake or beach management district, and fix a date, time, and  
5 place for a public hearing on the formation of the proposed lake or  
6 beach management district. The date for the public hearing shall be at  
7 least thirty days and no more than ninety days after the adoption of  
8 the resolution of intention unless an emergency exists.

9 Petitions shall be filed with the county legislative authority.  
10 The county legislative authority shall determine the sufficiency of the  
11 signatures, which shall be conclusive upon all persons. No person may  
12 withdraw his or her name from a petition after it is filed. If the  
13 county legislative authority determines a petition to be sufficient and  
14 the proposed lake or beach management district appears to be in the  
15 public interest and the financing of the lake or beach improvement or  
16 maintenance activities is feasible, it shall adopt a resolution of  
17 intention, setting forth all of the details required to be included  
18 when a resolution of intention is initiated by the county legislative  
19 authority.

20 **Sec. 6.** RCW 36.61.040 and 1994 c 264 s 9 are each amended to read  
21 as follows:

22 Notice of the public hearing shall be published in at least two  
23 consecutive issues of a newspaper of general circulation in the  
24 proposed lake or beach management district, the date of the first  
25 publication to be at least fifteen days prior to the date fixed for the  
26 public hearing by the resolution of intention. Notice of the public  
27 hearing shall also be given to the owner or reputed owner of any lot,  
28 tract, parcel of land, or other property within the proposed lake or  
29 beach management district by mailing the notice at least fifteen days  
30 before the date fixed for the public hearing to the owner or reputed  
31 owner of the property as shown on the tax rolls of the county assessor  
32 at the address shown thereon. Notice of the public hearing shall also  
33 be mailed to the departments of fish and wildlife, natural resources,  
34 and ecology at least fifteen days before the date fixed for the public  
35 hearing.

36 Notices of the public hearing shall: (1) Refer to the resolution  
37 of intention; (2) designate the proposed lake or beach management

1 district by number; (3) set forth a proposed plan describing: (a) The  
2 nature of the proposed lake or beach improvement or maintenance  
3 activities; (b) the amount of special assessments or rates and charges  
4 proposed to be raised by the lake or beach management district; (c) if  
5 special assessments are proposed to be imposed, whether the special  
6 assessments will be imposed annually for the duration of the lake or  
7 beach management district, or the full special assessments will be  
8 payable at one time, with the possibility of periodic installments  
9 being paid and lake or beach management bonds being issued, or both;  
10 (d) if rates and charges are proposed to be imposed, the annual amount  
11 of revenue proposed to be collected and whether revenue bonds payable  
12 from the rates and charges are proposed to be issued; and (e) the  
13 proposed duration of the lake or beach management district; and (4)  
14 indicate the date, time, and place of the public hearing designated in  
15 the resolution of intention.

16 In the case of the notice sent to each owner or reputed owner by  
17 mail, the notice shall set forth the estimated amount of the cost of  
18 the lake or beach improvement or maintenance activities to be borne by  
19 special assessment, or annual special assessments, or rates and charges  
20 on the lot, tract, parcel of land, or other property owned by the owner  
21 or reputed owner.

22 If the county legislative authority has designated a committee of  
23 itself or an officer to hear complaints and make recommendations to the  
24 full county legislative authority, as provided in RCW 36.61.060, the  
25 notice shall also describe this additional step before the full county  
26 legislative authority may adopt a resolution creating the lake or beach  
27 management district.

28 **Sec. 7.** RCW 36.61.050 and 1994 c 264 s 10 are each amended to read  
29 as follows:

30 The county legislative authority shall hold a public hearing on the  
31 proposed lake or beach management district at the date, time, and place  
32 designated in the resolution of intention.

33 At this hearing the county legislative authority shall hear  
34 objections from any person affected by the formation of the lake or  
35 beach management district. Representatives of the departments of fish  
36 and wildlife, natural resources, and ecology shall be afforded  
37 opportunities to make presentations on and comment on the proposal.

1 Members of the public shall be afforded an opportunity to comment on  
2 the proposal. The county legislative authority must consider  
3 recommendations provided to it by the departments of fish and wildlife,  
4 natural resources, and ecology. The public hearing may be extended to  
5 other times and dates declared at the public hearing. The county  
6 legislative authority may make such changes in the boundaries of the  
7 lake or beach management district or such modification in plans for the  
8 proposed lake or beach improvement or maintenance activities as it  
9 deems necessary. The county legislative authority may not change  
10 boundaries of the lake or beach management district to include property  
11 that was not included previously without first passing an amended  
12 resolution of intention and giving new notice to the owners or reputed  
13 owners of property newly included in the proposed lake or beach  
14 management district in the manner and form and within the time provided  
15 for the original notice. The county legislative authority shall not  
16 alter the plans for the proposed lake or beach improvement or  
17 maintenance activities to result in an increase in the amount of money  
18 proposed to be raised, and shall not increase the amount of money  
19 proposed to be raised, without first passing an amended resolution of  
20 intention and giving new notice to property owners in the manner and  
21 form and within the time provided for the original notice.

22 **Sec. 8.** RCW 36.61.060 and 1985 c 398 s 10 are each amended to read  
23 as follows:

24 A county legislative authority may adopt an ordinance providing for  
25 a committee of itself, or an officer, to hold public hearings on the  
26 proposed formation of a lake or beach management district and hear  
27 objections to the proposed formation as provided in RCW 36.61.050. The  
28 committee or officer shall make a recommendation to the full  
29 legislative authority, which need not hold a public hearing on the  
30 proposed creation of the lake or beach management district. The full  
31 county legislative authority by resolution may approve or disapprove  
32 the recommendation and submit the question of creating the lake or  
33 beach management district to the property owners as provided in RCW  
34 36.61.070 through 36.61.100.

35 **Sec. 9.** RCW 36.61.070 and 1987 c 432 s 5 are each amended to read  
36 as follows:

1 After the public hearing, the county legislative authority may  
2 adopt a resolution submitting the question of creating the lake or  
3 beach management district to the owners of land within the proposed  
4 lake or beach management district, including publicly owned land, if  
5 the county legislative authority finds that it is in the public  
6 interest to create the lake or beach management district and the  
7 financing of the lake or beach improvement and maintenance activities  
8 is feasible. The resolution shall also include: (1) A plan describing  
9 the proposed lake or beach improvement and maintenance activities which  
10 avoid adverse impacts on fish and wildlife and provide for appropriate  
11 measures to protect and enhance fish and wildlife; (2) the number of  
12 years the lake or beach management district will exist; (3) the amount  
13 to be raised by special assessments or rates and charges; (4) if  
14 special assessments are to be imposed, whether the special assessments  
15 shall be imposed annually for the duration of the lake or beach  
16 management district or only once with the possibility of installments  
17 being imposed and lake or beach management bonds being issued, or both,  
18 and, if both types of special assessments are proposed to be imposed,  
19 the lake or beach improvement or maintenance activities proposed to be  
20 financed by each type of special assessment; (5) if rates and charges  
21 are to be imposed, a description of the rates and charges and the  
22 possibility of revenue bonds being issued that are payable from the  
23 rates and charges; and (6) the estimated special assessment or rate and  
24 charge proposed to be imposed on each parcel included in the proposed  
25 lake or beach management district.

26 No lake or beach management district may be created by a county  
27 that includes territory located in another county without the approval  
28 of the legislative authority of the other county.

29 **Sec. 10.** RCW 36.61.080 and 1987 c 432 s 6 are each amended to read  
30 as follows:

31 (1) A ballot shall be mailed to each owner or reputed owner of any  
32 lot, tract, parcel of land, or other property within the proposed lake  
33 management district, including publicly owned land, which ballot shall  
34 contain the following proposition:

35 "Shall lake management district No. . . . be formed?  
36 Yes . . . . .  
37 No . . . . ."

1       (2) A ballot shall be mailed to each owner or reputed owner of any  
2 lot, tract, parcel of land, or other property within the proposed beach  
3 management district, including publicly owned land, which ballot shall  
4 contain the following proposition:

5       "Shall beach management district No. . . . . be formed?

6             Yes . . . . .

7             No . . . . ."

8       (3) In addition, the ballot shall contain appropriate spaces for  
9 the signatures of the landowner or landowners, or officer authorized to  
10 cast such a ballot. Each ballot shall include a description of the  
11 property owner's property and the estimated special assessment, or rate  
12 and charge, proposed to be imposed upon the property. A copy of the  
13 instructions and the resolution submitting the question to the  
14 landowners shall also be included.

15       **Sec. 11.** RCW 36.61.090 and 1987 c 432 s 7 are each amended to read  
16 as follows:

17       The balloting shall be subject to the following conditions, which  
18 shall be included in the instructions mailed with each ballot, as  
19 provided in RCW 36.61.080: (1) All ballots must be signed by the owner  
20 or reputed owner of property according to the assessor's tax rolls; (2)  
21 each ballot must be returned to the county legislative authority not  
22 later than (~~five o'clock~~) 5:00 p.m. of a specified day, which shall  
23 be at least twenty but not more than thirty days after the ballots are  
24 mailed; (3) each property owner shall mark his or her ballot for or  
25 against the creation of the proposed lake or beach management district,  
26 with the ballot weighted so that the property owner has one vote for  
27 each dollar of estimated special assessment or rate and charge proposed  
28 to be imposed on his or her property; and (4) the valid ballots shall  
29 be tabulated and a simple majority of the votes cast shall determine  
30 whether the proposed lake or beach management district shall be  
31 approved or rejected.

32       **Sec. 12.** RCW 36.61.100 and 1987 c 432 s 8 are each amended to read  
33 as follows:

34       If the proposal receives a simple majority vote in favor of  
35 creating the lake or beach management district, the county legislative

1 authority shall adopt an ordinance creating the lake or beach  
2 management district and may proceed with establishing the special  
3 assessments or rates and charges, collecting the special assessments or  
4 rates and charges, and performing the lake or beach improvement or  
5 maintenance activities. If a proposed lake management district  
6 includes more than one lake and its adjacent areas, the lake management  
7 district may only be established if the proposal receives a simple  
8 majority vote in favor of creating it by the voters on each lake and  
9 its adjacent areas. The county legislative authority shall publish a  
10 notice in a newspaper of general circulation in a lake or beach  
11 management district indicating that such an ordinance has been adopted  
12 within ten days of the adoption of the ordinance.

13 The ballots shall be available for public inspection after they are  
14 counted.

15 **Sec. 13.** RCW 36.61.110 and 1985 c 398 s 11 are each amended to  
16 read as follows:

17 No lawsuit may be maintained challenging the jurisdiction or  
18 authority of the county legislative authority to proceed with the lake  
19 or beach improvement and maintenance activities and creating the lake  
20 or beach management district or in any way challenging the validity of  
21 the actions or decisions or any proceedings relating to the actions or  
22 decisions unless the lawsuit is served and filed no later than forty  
23 days after publication of a notice that the ordinance has been adopted  
24 ordering the lake or beach improvement and maintenance activities and  
25 creating the lake or beach management district. Written notice of the  
26 appeal shall be filed with the county legislative authority and clerk  
27 of the superior court in the county in which the property is situated.

28 **Sec. 14.** RCW 36.61.115 and 1987 c 432 s 9 are each amended to read  
29 as follows:

30 A special assessment, or rate and charge, on any lot, tract, parcel  
31 of land, or other property shall not be increased beyond one hundred  
32 ten percent of the estimated special assessment, or rate and charge,  
33 proposed to be imposed as provided in the resolution adopted in RCW  
34 36.61.070, unless the creation of a lake or beach management district  
35 is approved under another mailed ballot election that reflects the  
36 weighted voting arising from such increases.

1           **Sec. 15.** RCW 36.61.120 and 1985 c 398 s 12 are each amended to  
2 read as follows:

3           After a lake or beach management district is created, the county  
4 shall prepare a proposed special assessment roll. A separate special  
5 assessment roll shall be prepared for annual special assessments if  
6 both annual special assessments and special assessments paid at one  
7 time are imposed. The proposed special assessment roll shall list:  
8 (1) Each separate lot, tract, parcel of land, or other property in the  
9 lake or beach management district; (2) the acreage of such property,  
10 and the number of feet of lake or beach frontage, if any; (3) the name  
11 and address of the owner or reputed owner of each lot, tract, parcel of  
12 land, or other property as shown on the tax rolls of the county  
13 assessor; and (4) the special assessment proposed to be imposed on each  
14 lot, tract, parcel of land, or other property, or the annual special  
15 assessments proposed to be imposed on each lot, tract, parcel of land,  
16 or other property.

17           At the time, date, and place fixed for a public hearing, the county  
18 legislative authority shall act as a board of equalization and hear  
19 objections to the special assessment roll, and at the times to which  
20 the public hearing may be adjourned, the county legislative authority  
21 may correct, revise, raise, lower, change, or modify the special  
22 assessment roll or any part thereof, or set the proposed special  
23 assessment roll aside and order a new proposed special assessment roll  
24 to be prepared. The county legislative authority shall confirm and  
25 approve a special assessment roll by adoption of a resolution.

26           If a proposed special assessment roll is amended to raise any  
27 special assessment appearing thereon or to include omitted property, a  
28 new public hearing shall be held. The new public hearing shall be  
29 limited to considering the increased special assessments or omitted  
30 property. Notices shall be sent to the owners or reputed owners of the  
31 affected property in the same manner and form and within the time  
32 provided for the original notice.

33           Objections to a proposed special assessment roll must be made in  
34 writing, shall clearly state the grounds for objections, and shall be  
35 filed with the governing body prior to the public hearing. Objections  
36 to a special assessment or annual special assessments that are not made  
37 as provided in this section shall be deemed waived and shall not be  
38 considered by the governing body or a court on appeal.

1       **Sec. 16.** RCW 36.61.140 and 1985 c 398 s 14 are each amended to  
2 read as follows:

3       Notice of the original public hearing on the proposed special  
4 assessment roll, and any public hearing held as a result of raising  
5 special assessments or including omitted property, shall be published  
6 and mailed to the owner or reputed owner of the property as provided in  
7 RCW 36.61.040 for the public hearing on the formation of the lake or  
8 beach management district. However, the notice need only provide the  
9 total amount to be collected by the special assessment roll and shall  
10 state that: (1) A public hearing on the proposed special assessment  
11 roll will be held, giving the time, date, and place of the public  
12 hearing; (2) the proposed special assessment roll is available for  
13 public perusal, giving the times and location where the proposed  
14 special assessment roll is available for public perusal; (3) objections  
15 to the proposed special assessment must be in writing, include clear  
16 grounds for objections, and must be filed prior to the public hearing;  
17 and (4) failure to so object shall be deemed to waive an objection.

18       Notices mailed to the owners or reputed owners shall additionally  
19 indicate the amount of special assessment ascribed to the particular  
20 lot, tract, parcel of land, or other property owned by the person so  
21 notified.

22       **Sec. 17.** RCW 36.61.160 and 1987 c 432 s 10 are each amended to  
23 read as follows:

24       Whenever special assessments are imposed, all property included  
25 within a lake or beach management district shall be considered to be  
26 the property specially benefited by the lake or beach improvement or  
27 maintenance activities and shall be the property upon which special  
28 assessments are imposed to pay the costs and expenses of the lake or  
29 beach improvement or maintenance activities, or such part of the costs  
30 and expenses as may be chargeable against the property specially  
31 benefited. The special assessments shall be imposed on property in  
32 accordance with the special benefits conferred on the property up to  
33 but not in excess of the total costs and expenses of the lake or beach  
34 improvement or maintenance activities as provided in the special  
35 assessment roll.

36       Special assessments may be measured by front footage, acreage, the  
37 extent of improvements on the property, or any other factors that are

1 deemed to fairly reflect special benefits, including those authorized  
2 under RCW 35.51.030. Special assessments may be calculated by using  
3 more than one factor. Zones around the public improvement may be used  
4 that reflect different levels of benefit in each zone that are measured  
5 by a front footage, acreage, the extent of improvements, or other  
6 factors.

7 Public property, including property owned by the state of  
8 Washington, shall be subject to special assessments to the same extent  
9 that private property is subject to the special assessments, except no  
10 lien shall extend to public property.

11 **Sec. 18.** RCW 36.61.170 and 1985 c 398 s 17 are each amended to  
12 read as follows:

13 The total annual special assessments may not exceed the estimated  
14 cost of the lake or beach improvement or maintenance activities  
15 proposed to be financed by such special assessments, as specified in  
16 the resolution of intention. The total of special assessments imposed  
17 in a lake or beach management district that are of the nature of  
18 special assessments imposed in a local improvement district shall not  
19 exceed one hundred fifty percent of the estimated total cost of the  
20 lake or beach improvement or maintenance activities that are proposed  
21 to be financed by the lake or beach management district as specified in  
22 the resolution of intention. After a lake or beach management district  
23 has been created, the resolution of intention may be amended to  
24 increase the amount to be financed by the lake or beach management  
25 district by using the same procedure in which a lake or beach  
26 management district is created.

27 **Sec. 19.** RCW 36.61.190 and 1985 c 398 s 19 are each amended to  
28 read as follows:

29 Special assessments and installments on any special assessment  
30 shall be collected by the county treasurer.

31 The county treasurer shall publish a notice indicating that the  
32 special assessment roll has been confirmed and that the special  
33 assessments are to be collected. The notice shall indicate the  
34 duration of the lake or beach management district and shall describe  
35 whether the special assessments will be paid in annual payments for the  
36 duration of the lake or beach management district, or whether the full

1 special assessments will be payable at one time, with the possibility  
2 of periodic installments being paid and lake or beach management bonds  
3 being issued, or both.

4 If the special assessments are to be payable at one time, the  
5 notice additionally shall indicate that all or any portion of the  
6 special assessments may be paid within thirty days from the date of  
7 publication of the first notice without penalty or interest. This  
8 notice shall be published in a newspaper of general circulation in the  
9 lake or beach management district.

10 Within ten days of the first newspaper publication, the county  
11 treasurer shall notify each owner or reputed owner of property whose  
12 name appears on the special assessment roll, at the address shown on  
13 the special assessment roll, for each item of property described on the  
14 list: (1) Whether one special assessment payable at one time or  
15 special assessments payable annually have been imposed; (2) the amount  
16 of the property subject to the special assessment or annual special  
17 assessments; and (3) the total amount of the special assessment due at  
18 one time, or annual amount of special assessments due. If the special  
19 assessment is due at one time, the notice shall also describe the  
20 thirty-day period during which the special assessment may be paid  
21 without penalty, interest, or cost.

22 **Sec. 20.** RCW 36.61.200 and 1985 c 398 s 20 are each amended to  
23 read as follows:

24 If the special assessments are to be payable at one time, all or  
25 any portion of any special assessment may be paid without interest,  
26 penalty, or costs during this thirty-day period and placed into a  
27 special fund to defray the costs of the lake or beach improvement or  
28 maintenance activities. The remainder shall be paid in installments as  
29 provided in a resolution adopted by the county legislative authority,  
30 but the last installment shall be due at least two years before the  
31 maximum term of the bonds issued to pay for the improvements or  
32 maintenance. The installments shall include amounts sufficient to  
33 redeem the bonds issued to pay for the lake or beach improvement and  
34 maintenance activities. A twenty-day period shall be allowed after the  
35 due date of any installment within which no interest, penalty, or costs  
36 on the installment may be imposed.

1 The county shall establish by ordinance an amount of interest that  
2 will be imposed on late special assessments imposed annually or at  
3 once, and on installments of a special assessment. The ordinance shall  
4 also specify the penalty, in addition to the interest, that will be  
5 imposed on a late annual special assessment, special assessment, or  
6 installment which shall not be less than five percent of the delinquent  
7 special assessment or installment.

8 The owner of any lot, tract, parcel of land, or other property  
9 charged with a special assessment may redeem it from all liability for  
10 the unpaid amount of the installments by paying, to the county  
11 treasurer, the remaining portion of the installments that is  
12 attributable to principal on the lake or beach management district  
13 bonds.

14 **Sec. 21.** RCW 36.61.220 and 1985 c 398 s 22 are each amended to  
15 read as follows:

16 Within fifteen days after a county creates a lake or beach  
17 management district, the county shall cause to be filed with the county  
18 treasurer, a description of the lake or beach improvement and  
19 maintenance activities proposed that the lake or beach management  
20 district finances, the lake or beach management district number, and a  
21 copy of the diagram or print showing the boundaries of the lake or  
22 beach management district and preliminary special assessment roll or  
23 abstract of same showing thereon the lots, tracts, parcels of land, and  
24 other property that will be specially benefited thereby and the  
25 estimated cost and expense of such lake or beach improvement and  
26 maintenance activities to be borne by each lot, tract, parcel of land,  
27 or other property. The treasurer shall immediately post the proposed  
28 special assessment roll upon his or her index of special assessments  
29 against the properties affected by the lake or beach improvement or  
30 maintenance activities.

31 **Sec. 22.** RCW 36.61.230 and 1985 c 398 s 23 are each amended to  
32 read as follows:

33 The special assessment or annual special assessments imposed upon  
34 the respective lots, tracts, parcels of land, and other property in the  
35 special assessment roll or annual special assessment roll confirmed by  
36 resolution of the county legislative authority for the purpose of

1 paying the cost and expense in whole or in part of any lake or beach  
2 improvement or maintenance activities shall be a lien upon the property  
3 assessed from the time the special assessment roll is placed in the  
4 hands of the county treasurer for collection, but as between the  
5 grantor and grantee, or vendor and vendee of any real property, when  
6 there is no express agreement as to payment of the special assessments  
7 against the real property, the lien of such special assessments shall  
8 attach thirty days after the filing of the diagram or print and the  
9 estimated cost and expense of such lake or beach improvement or  
10 maintenance activities to be borne by each lot, tract, parcel of land,  
11 or other property, as provided in RCW 36.61.220. Interest and penalty  
12 shall be included in and shall be a part of the special assessment  
13 lien. No lien shall extend to public property subjected to special  
14 assessments.

15 The special assessment lien shall be paramount and superior to any  
16 other lien or encumbrance theretofore or thereafter created except a  
17 lien for general taxes.

18 **Sec. 23.** RCW 36.61.260 and 2000 c 184 s 6 are each amended to read  
19 as follows:

20 (1) Counties may issue lake or beach management district bonds in  
21 accordance with this section. Lake or beach management district bonds  
22 may be issued to obtain money sufficient to cover that portion of the  
23 special assessments that are not paid within the thirty-day period  
24 provided in RCW 36.61.190.

25 Whenever lake or beach management district bonds are proposed to be  
26 issued, the county legislative authority shall create a special fund or  
27 funds for the lake or beach management district from which all or a  
28 portion of the costs of the lake or beach improvement and maintenance  
29 activities shall be paid. Lake or beach management district bonds  
30 shall not be issued in excess of the costs and expenses of the lake or  
31 beach improvement and maintenance activities and shall not be issued  
32 prior to twenty days after the thirty days allowed for the payment of  
33 special assessments without interest or penalties.

34 Lake or beach management district bonds shall be exclusively  
35 payable from the special fund or funds and from a guaranty fund that  
36 the county may have created out of a portion of proceeds from the sale  
37 of the lake or beach management district bonds.

1           (2) Lake or beach management district bonds shall not constitute a  
2 general indebtedness of the county issuing the bond nor an obligation,  
3 general or special, of the state. The owner of any lake or beach  
4 management district bond shall not have any claim for the payment  
5 thereof against the county that issues the bonds except for payment  
6 from the special assessments made for the lake or beach improvement or  
7 maintenance activities for which the lake or beach management district  
8 bond was issued and from a lake or beach management district guaranty  
9 fund that may have been created. The county shall not be liable to the  
10 owner of any lake or beach management district bond for any loss to the  
11 lake or beach management district guaranty fund occurring in the lawful  
12 operation of the fund. The owner of a lake or beach management  
13 district bond shall not have any claim against the state arising from  
14 the lake or beach management district bond, special assessments, or  
15 guaranty fund. Tax revenues shall not be used to secure or guarantee  
16 the payment of the principal of or interest on lake or beach management  
17 district bonds.

18           The substance of the limitations included in this subsection shall  
19 be plainly printed, written, engraved, or reproduced on: (a) Each lake  
20 or beach management district bond that is a physical instrument; (b)  
21 the official notice of sale; and (c) each official statement associated  
22 with the lake or beach management district bonds.

23           (3) If the county fails to make any principal or interest payments  
24 on any lake or beach management district bond or to promptly collect  
25 any special assessment securing the bonds when due, the owner of the  
26 lake or beach management district bond may obtain a writ of mandamus  
27 from any court of competent jurisdiction requiring the county to  
28 collect the special assessments, foreclose on the related lien, and  
29 make payments out of the special fund or guaranty fund if one exists.  
30 Any number of owners of lake or beach management districts may join as  
31 plaintiffs.

32           (4) A county may create a lake or beach management district bond  
33 guaranty fund for each issue of lake or beach management district  
34 bonds. The guaranty fund shall only exist for the life of the lake or  
35 beach management district bonds with which it is associated. A portion  
36 of the bond proceeds may be placed into a guaranty fund. Unused moneys  
37 remaining in the guaranty fund during the last two years of the

1 installments shall be used to proportionally reduce the required level  
2 of installments and shall be transferred into the special fund into  
3 which installment payments are placed.

4 (5) Lake or beach management district bonds shall be issued and  
5 sold in accordance with chapter 39.46 RCW. The authority to create a  
6 special fund or funds shall include the authority to create accounts  
7 within a fund.

8 **Sec. 24.** RCW 36.61.270 and 1987 c 432 s 11 are each amended to  
9 read as follows:

10 Whenever rates and charges are to be imposed in a lake or beach  
11 management district, the county legislative authority shall prepare a  
12 roll of rates and charges that includes those matters required to be  
13 included in a special assessment roll and shall hold a public hearing  
14 on the proposed roll of rates and charges as provided under RCW  
15 36.61.120 through 36.61.150 for a special assessment roll. The county  
16 legislative authority shall have full jurisdiction and authority to  
17 fix, alter, regulate, and control the rates and charges imposed by a  
18 lake or beach management district and may classify the rates or charges  
19 by any reasonable factor or factors, including benefit, use, front  
20 footage, acreage, the extent of improvements on the property, the type  
21 of improvements on the property, uses to which the property is put,  
22 service to be provided, and any other reasonable factor or factors.  
23 The flexibility to establish rates and charges includes the authority  
24 to reduce rates and charges on property owned by low-income persons.

25 Except as provided in this section, the collection of rates and  
26 charges, lien status of unpaid rates and charges, and method of  
27 foreclosing on such liens shall be subject to the provisions of chapter  
28 36.94 RCW. Public property, including state property, shall be subject  
29 to the rates and charges to the same extent that private property is  
30 subject to them, except that liens may not be foreclosed on the public  
31 property, and the procedure for imposing such rates and charges on  
32 state property shall conform with the procedure provided for in chapter  
33 79.44 RCW concerning the imposition of special assessments upon state  
34 property. The total amount of rates and charges cannot exceed the cost  
35 of lake or beach improvement or maintenance activities proposed to be  
36 financed by such rates and charges, as specified in the resolution of

1 intention. Revenue bonds exclusively payable from the rates and  
2 charges may be issued by the county under chapter 39.46 RCW.

3 **Sec. 25.** RCW 36.94.020 and 1997 c 447 s 11 are each amended to  
4 read as follows:

5 The construction, operation, and maintenance of a system of  
6 sewerage and/or water is a county purpose. Subject to the provisions  
7 of this chapter, every county has the power, individually or in  
8 conjunction with another county or counties to adopt, provide for,  
9 accept, establish, condemn, purchase, construct, add to, operate, and  
10 maintain a system or systems of sanitary and storm sewers, including  
11 outfalls, interceptors, plans, and facilities and services necessary  
12 for sewerage treatment and disposal, and/or system or systems of water  
13 supply within all or a portion of the county. However, counties shall  
14 not have power to condemn sewerage and/or water systems of any  
15 municipal corporation or private utility.

16 Such county or counties shall have the authority to control,  
17 regulate, operate, and manage such system or systems and to provide  
18 funds therefor by general obligation bonds, revenue bonds, local  
19 improvement district bonds, utility local improvement district or local  
20 improvement district assessments, and in any other lawful fiscal  
21 manner. Rates or charges for on-site inspection and maintenance  
22 services may not be imposed under this chapter on the development,  
23 construction, or reconstruction of property.

24 Under this chapter, after July 1, 1998, any requirements for  
25 pumping the septic tank of an on-site sewage system should be based,  
26 among other things, on actual measurement of accumulation of sludge and  
27 scum by a trained inspector, trained owner's agent, or trained owner.  
28 Training must occur in a program approved by the state board of health  
29 or by a local health officer.

30 Before adopting on-site inspection and maintenance utility  
31 services, or incorporating residences into an on-site inspection and  
32 maintenance or sewer utility under this chapter, notification must be  
33 provided, prior to the applicable public hearing, to all residences  
34 within the proposed service area that have on-site systems permitted by  
35 the local health officer. The notice must clearly state that the  
36 residence is within the proposed service area and must provide

1 information on estimated rates or charges that may be imposed for the  
2 service.

3 A county shall not provide on-site sewage system inspection,  
4 pumping services, or other maintenance or repair services under this  
5 section using county employees unless the on-site system is connected  
6 by a publicly owned collection system to the county's sewerage system,  
7 and the on-site system represents the first step in the sewage disposal  
8 process. Nothing in this section shall affect the authority of a state  
9 or local health officer to carry out their responsibilities under any  
10 other applicable law.

11 A county may, as part of a system of sewerage established under  
12 this chapter, provide for, finance, and operate any of the facilities  
13 and services and may exercise the powers expressly authorized for  
14 county storm water, flood control, pollution prevention, and drainage  
15 services and activities under chapters 36.89, 86.12, 86.13, and 86.15  
16 RCW. A county also may provide for, finance, and operate the  
17 facilities and services and may exercise any of the powers authorized  
18 for aquifer protection areas under chapter 36.36 RCW; for lake or beach  
19 management districts under chapter 36.61 RCW; for diking districts, and  
20 diking, drainage, and sewerage improvement districts under chapters  
21 85.05, 85.08, 85.15, 85.16, and 85.18 RCW; and for shellfish protection  
22 districts under chapter 90.72 RCW. However, if a county by reference  
23 to any of those statutes assumes as part of its system of sewerage any  
24 powers granted to such areas or districts and not otherwise available  
25 to a county under this chapter, then (1) the procedures and  
26 restrictions applicable to those areas or districts apply to the  
27 county's exercise of those powers, and (2) the county may not  
28 simultaneously impose rates and charges under this chapter and under  
29 the statutes authorizing such areas or districts for substantially the  
30 same facilities and services, but must instead impose uniform rates and  
31 charges consistent with RCW 36.94.140. By agreement with such an area  
32 or district that is not part of a county's system of sewerage, a county  
33 may operate that area's or district's services or facilities, but a  
34 county may not dissolve any existing area or district except in  
35 accordance with any applicable provisions of the statute under which  
36 that area or district was created.

1       **Sec. 26.** RCW 39.34.190 and 2003 c 327 s 2 are each amended to read  
2 as follows:

3       (1) The legislative authority of a city or county and the governing  
4 body of any special purpose district enumerated in subsection (2) of  
5 this section may authorize up to ten percent of its water-related  
6 revenues to be expended in the implementation of watershed management  
7 plan projects or activities that are in addition to the county's,  
8 city's, or district's existing water-related services or activities.  
9 Such limitation on expenditures shall not apply (~~to additional~~  
10 ~~revenues for watershed plan implementation that are authorized by voter~~  
11 ~~approval under section 5 of this act or~~) to water-related revenues of  
12 a public utility district organized according to Title 54 RCW. Water-  
13 related revenues include rates, charges, and fees for the provision of  
14 services relating to water supply, treatment, distribution, and  
15 management generally, and those general revenues of the local  
16 government that are expended for water management purposes. A local  
17 government may not expend for this purpose any revenues that were  
18 authorized by voter approval for other specified purposes or that are  
19 specifically dedicated to the repayment of municipal bonds or other  
20 debt instruments.

21       (2) The following special purpose districts may exercise the  
22 authority provided by this section:

23       (a) Water districts, sewer districts, and water-sewer districts  
24 organized under Title 57 RCW;

25       (b) Public utility districts organized under Title 54 RCW;

26       (c) Irrigation, reclamation, conservation, and similar districts  
27 organized under Titles 87 and 89 RCW;

28       (d) Port districts organized under Title 53 RCW;

29       (e) Diking, drainage, and similar districts organized under Title  
30 85 RCW;

31       (f) Flood control and similar districts organized under Title 86  
32 RCW;

33       (g) Lake or beach management districts organized under chapter  
34 36.61 RCW;

35       (h) Aquifer protection areas organized under chapter 36.36 RCW; and

36       (i) Shellfish protection districts organized under chapter 90.72  
37 RCW.

1 (3) The authority for expenditure of local government revenues  
2 provided by this section shall be applicable broadly to the  
3 implementation of watershed management plans addressing water supply,  
4 water transmission, water quality treatment or protection, or any other  
5 water-related purposes. Such plans include but are not limited to  
6 plans developed under the following authorities:

7 (a) Watershed plans developed under chapter 90.82 RCW;

8 (b) Salmon recovery plans developed under chapter 77.85 RCW;

9 (c) Watershed management elements of comprehensive land use plans  
10 developed under the growth management act, chapter 36.70A RCW;

11 (d) Watershed management elements of shoreline master programs  
12 developed under the shoreline management act, chapter 90.58 RCW;

13 (e) Nonpoint pollution action plans developed under the Puget Sound  
14 water quality management planning authorities of chapter 90.71 RCW and  
15 chapter 400-12 WAC;

16 (f) Other comprehensive management plans addressing watershed  
17 health at a WRIA level or sub-WRIA basin drainage level;

18 (g) Coordinated water system plans under chapter 70.116 RCW and  
19 similar regional plans for water supply; and

20 (h) Any combination of the foregoing plans in an integrated  
21 watershed management plan.

22 (4) The authority provided by this section to expend revenues for  
23 watershed management plan implementation shall be construed broadly to  
24 include, but not be limited to:

25 (a) The coordination and oversight of plan implementation,  
26 including funding a watershed management partnership for this purpose;

27 (b) Technical support, monitoring, and data collection and  
28 analysis;

29 (c) The design, development, construction, and operation of  
30 projects included in the plan; and

31 (d) Conducting activities and programs included as elements in the  
32 plan.

33 **Sec. 27.** RCW 86.09.151 and 1986 c 278 s 52 are each amended to  
34 read as follows:

35 (1) Said flood control districts shall have full authority to carry  
36 out the objects of their creation and to that end are authorized to  
37 acquire, purchase, hold, lease, manage, improve, repair, occupy, and

1 sell real and personal property or any interest therein, either inside  
2 or outside the boundaries of the district, to enter into and perform  
3 any and all necessary contracts, to appoint and employ the necessary  
4 officers, agents and employees, to sue and be sued, to exercise the  
5 right of eminent domain, to levy and enforce the collection of special  
6 assessments and in the manner herein provided against the lands within  
7 the district, for district revenues, and to do any and all lawful acts  
8 required and expedient to carry out the purpose of this chapter.

9 (2) In addition to the powers conferred in this chapter and those  
10 in chapter 85.38 RCW, flood control districts may engage in activities  
11 authorized under RCW 36.61.020 for lake or beach management districts  
12 using procedures granted in this chapter and in chapter 85.38 RCW.

13 NEW SECTION. **Sec. 28.** (1) The department of ecology shall, within  
14 appropriated funds, provide technical assistance to community groups  
15 and county legislative authorities requesting assistance with the  
16 development of beach management programs. The department of ecology  
17 shall work with the departments of fish and wildlife, natural  
18 resources, and the Puget Sound action team in coordinating agency  
19 assistance to community groups and county legislative authorities.

20 (2) State agencies shall also coordinate technical assistance with  
21 marine resources committees established in the area of the beach  
22 management district.

23 (3) State agencies, in coordination with a beach management  
24 district, shall ensure that proposed beach improvement and maintenance  
25 plans and activities are consistent with applicable federal, state, and  
26 local laws, and consistent with federal, state, and local resource  
27 management plans including, but not limited to, shoreline master  
28 programs, critical areas ordinances, state and federally identified  
29 habitat conservation plans and species recovery plans, state marine  
30 species management plans, and shoreline and nearshore protection and  
31 restoration plans.

32 NEW SECTION. **Sec. 29.** (1) The sum of twenty-five thousand  
33 dollars, or as much thereof as may be necessary, is appropriated for  
34 the fiscal year ending June 30, 2008, from the general fund to the  
35 department of ecology for the purposes of providing technical  
36 assistance to community groups and county legislative authorities

1 requesting assistance with the development of beach management plans,  
2 program administration, and identification and prioritization of  
3 beaches and near shore areas with decomposing seaweed presenting public  
4 health and water quality issues.

5 (2) The sum of one hundred fifty thousand dollars, or as much  
6 thereof as may be necessary, is appropriated for the fiscal year ending  
7 June 30, 2009, from the general fund to the department of ecology for  
8 the purposes of providing technical assistance to community groups and  
9 county legislative authorities requesting assistance with the  
10 development of beach management plans, program administration, and the  
11 removal of seaweed documented and identified as creating public health  
12 or water quality issues from beaches or near shore areas located within  
13 at least one mile of a ferry terminal, in the most populated county of  
14 the state.

--- END ---